

Pesticide, Fertilizer & Noxious Weed Newsletter

Winter 2015-16

Volume 38

New Look, New Name, Same Informative Subject Matter!

Check pages 4 & 5 for applicator training and testing dates/locations.

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Compliance Issues of the Past Year

Fiscal year 2015, from October 2014 through September 2015, saw a significantly greater number of pesticide complaints, a similar number of routine inspections, and a greater number of enforcement actions taken. In comparing FY15 to the previous year, the total number of inspections was increased mostly because of the number of complaints, and a 25% increase in the number of use observations. Use observations are inspections conducted during a pesticide application, and allow NDA inspectors to determine compliance with label requirements at the time of application, rather than trying to determine compliance strictly from application records.

The number of violations as a percentage of total inspections was 17.7% in FY14, while that number increased to 27% in FY15. Two reasons appear to account for nearly all of this increase: an increased number in deficient applicator records and an increased number of drift violations. As a direct result of these increases, NDA's enforcement actions resulting in Warning Letters and Fines (the two most serious enforcement responses) doubled. There were four penalty actions in FY14 amounting to fines of \$8,750, while there were seven penalty actions totaling \$5,425 in fines in FY15.

When considering the number and types of violations, it is important to note that the increase in drift violations was not caused by increased winds during the period as much as it was by the number of reports of drift that were verified by investigative evidence. There has been a noticeable increase in the number of pesticide residue detections in the last two or three years compared to previous years. This has resulted in a greater number of detections that indicate the presence of pesticide drift, thus increasing the number of enforceable drift violations.

The other area of increased violations, that of applicator record keeping, is possibly due to an increased number of inspections at facilities that had not been inspected for three or more years. Applicators tend to relax their attention on record keeping details. Most record keeping violations involve the lack of disposal method, EPA Registration Number, and starting time of the application. Those companies and applicators that use pre-printed forms often fail to update the EPA Registration Numbers when product lines or trade names change. Failing to update pre-printed information is frequently encountered, and results in a violation of the law. Repeat violations within three years' time result in Warning Letters or penalty actions. In fact, the NDA issued more penalty fines this year for repeat record keeping violations than any other year in the program's 22 year history.

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NDA and the UNL Pesticide Safety Education Program have more information online to help you stay in compliance with the Nebraska Pesticide Act.

Looking forward, NDA is expanding their monitoring and reporting of pesticide drift incidents as part of a national initiative to better understand the dynamics of label language as it affects drift violations. This initiative will involve approximately 12 to 13 other states, and track not just the number of drift violations, but the pesticides involved and the circumstances of damage or impact caused. In this way EPA hopes to determine if certain classifications of pesticides, or certain label drift language violations, are more common than other causes.

Designating Noxious Weeds: Not an Easy Process

States have struggled for many years in the process of designating plants as noxious weeds. Typically, a plant becomes widespread before the public wants states and counties to get involved. There is also a perception that if a plant is designated as a noxious weed the problem will go away. Once a plant is established and widespread throughout the state, the best one can hope for is to slow and manage the invasion. Eradication will never happen on widespread noxious weeds.

Nebraska is no exception, and in a few cases, action has been reactive rather than proactive when dealing with invasive plants. The process for noxious weed designation has been a struggle for those involved in Nebraska. However, members of the Nebraska Weed Control Association (NWCA) have been working for the past several years to put science to work to help in this designation battle.

“A New Approach for the Noxious Weed Program” has been developed to help guide the NWCA in making recommendations to the Nebraska Noxious Weed Advisory Committee and Director of Agriculture. This “New Approach” incorporates several new steps in the decision making process. In cooperation with the Nebraska Invasive Species Council and NWCA, invasive species lists for plants have been developed and categorized over the past few years. Plants on these lists will be non-native to Nebraska and will have an intensive weed risk assessment done before any plant will be considered.

Nebraska has long relied upon surrounding states for information regarding potential new invaders. We continue to work closely not only with border-states, but many states throughout the country.

The key to eradication is to catch a weed problem early in the invasion process. If these potential invaders can be identified at entry, or when they are just becoming established in the state, successful eradication will be possible. This process has the potential to save the landowners of Nebraska millions of dollars in the future.

EPA’s web sites have been redesigned to better help you. One of these covers rules for Secondary Containers and Service Containers used for pesticides. EPA does not require these to be labeled or to meet particular construction standards. But the applicator is responsible for following the pesticide product’s labeling and complying with other relevant requirements in FIFRA and other statutes. See bit.ly/EPAcontainers for more information.



See neweed.org for more information on Nebraska’s Watch List for weeds.

Changes to the Fertilizer, Soil Conditioner and Ag Lime Laws

A few minor edits, requested by NDA, were made to the Nebraska Commercial Fertilizer and Soil Conditioner Act, as well as the Nebraska Agricultural Liming Materials Act, this past legislative session.

Both Acts include requirements for firms which distribute fertilizer, soil conditioners or ag lime to pay fees which cover the cost of our inspection program. Every year, NDA collects several hundred fertilizer and ag lime samples which are sent to our state laboratory for analysis. These products are tested to determine whether the guaranteed analyses posted in bins, on bags, on shipping papers, etc., are accurate descriptions of the product being sold to customers. Our inspector's time, travel expenses, shipment of samples to the lab, and laboratory fees are all paid from money collected. The Acts call these Inspection Fees, but most folks refer to them as tonnage taxes. The fees for all of these products are ten cents per ton for sales made to end users.

One big change made to the Ag Liming Act was to change the schedule for the payment of inspection fees to match the payment schedule for fertilizer and soil conditioners. Inspection fees for sales made for January through June are to be paid in July, and inspection fees for sales made for July through December are to be paid in January. This schedule now applies for fertilizer, soil conditioners, AND ag lime. This new schedule will be better for both industry and NDA bookkeepers, and will begin in 2016.

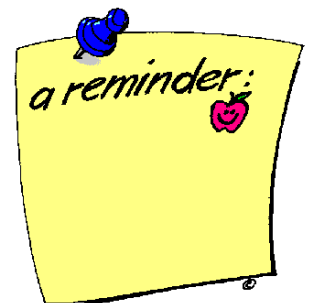
Policies for Pesticide Training and Exam Session Conduct

- NDA requires all communication devices, such as cell phones and computers, to be turned off during testing or training. NDA employees are authorized to dismiss anyone who is using an electronic device to cheat or distracting others during a session
- All exams are CLOSED BOOK. Study materials are NOT allowed on tabletops during examinations.
- Cell phones, tablets and computers are to be turned OFF and will not be allowed on tabletops or in-hand. Calculator functions on these devices are NOT allowed.
- Battery operated calculators (without other functions) ARE allowed to be present and used during an exam.
- Testers are to make no marks in the exam booklet.
- Scratch paper on the answer sheet is the only paper allowed for long-hand math or drawings during an exam.
- Exam booklets MUST NEVER leave a testing room in a tester's possession.

More information on the Pesticide Program, its policies, and regulations is found at bit.ly/NDAPP.

If you do not recertify at a meeting before your pesticide license expires, you will have to take the exams.

Please pay attention to the recertification meeting dates beginning on page 5!



In order to receive our newsletter, and to get pesticide recertification information from the UNL Pesticide Safety Education office prior to your license expiration, please let NDA know when you have a change of address.

2016 Initial Certification Meetings Commercial and Non-Commercial (UNL or Association Training plus NDA Exam)

Date	Meeting	Categories	City	Location
Feb. 2	UNL Initial Certification	00, 01, 04, 08, 08W	Columbus	Platte County Courthouse
Feb. 2	UNL Initial Certification	00, 01, 04, 06, 07	Fremont	Dodge County Extension Office
Feb. 2	UNL Initial Certification	00, 01, 04, 05, 08, 08W, 10	Grand Island	College Park
Feb. 2	UNL Initial Certification	00, 01, 04, 07, 09, 11, 14	Lincoln	Lancaster County Extension Office
Feb. 2	UNL Initial Certification	00, 01, 04, 05, 07, 08, 08W, 10, 14	Norfolk	Lifelong Learning Center, NECC
Feb. 2	UNL Initial Certification	00, 01, 03, 05, 09, 14	North Platte	UNL West Central Research Center
Feb. 2	UNL Initial Certification	00, 03, 04, 07, 09	Omaha	Douglas/Sarpy County Extension
Feb. 2	UNL Initial Certification	00, 01, 04, 09, 11	Scottsbluff	Panhandle Research Center
Feb. 15-17	<u>NATA (pilots)</u>	00, 01, 12	Kearney	Ramada Inn
Feb. 25	UNL Initial Certification	00, 04, 06, 07, 09, 11, 14	Grand Island	College Park
Feb. 25	<u>Custom Applicator School</u>	00, 01	Hastings	Central Community College
Feb. 25	UNL Initial Certification	00, 01, 04, 07, 08, 08W, 10	Lincoln	Lancaster County Extension Office
Feb. 25	UNL Initial Certification	00, 01, 04, 05, 10, 14	Norfolk	Lifelong Learning Center, NECC
Feb. 25	UNL Initial Certification	00, 04, 07, 08, 08W	North Platte	UNL West Central Research Center
Feb. 25	UNL Initial Certification	00, 04, 05, 07, 08, 08W	Scottsbluff	Panhandle Research Center
Mar. 22	UNL Initial Certification	00, 01, 04, 06, 14	Beatrice	Gage County Extension Office
Mar. 22	UNL Initial Certification	00, 01, 04, 07	North Platte	UNL West Central Research Center
Mar. 22	UNL Initial Certification	00, 04, 08, 08W, 14	Omaha	Douglas/Sarpy County Extension
Mar. 22	UNL Initial Certification	00, 01, 04, 07, 14	Scottsbluff	Panhandle Research Center
Mar. 24	UNL Initial Certification	00, 01, 07, 14	Valentine	Cherry County Extension Office
Apr. 14	UNL Initial Certification	00, 04	Lincoln	Lancaster County Extension Office
Apr. 14	UNL Initial Certification	00, 01, 04	North Platte	UNL West Central Research Center
Apr. 14	UNL Initial Certification	00, 04, 07, 08, 08W	Omaha	Douglas/Sarpy County Extension
Apr. 14	UNL Initial Certification	00, 04	Scottsbluff	Panhandle Research Center

To register for all UNL Initial Certification meetings, go to the Pesticide Safety Education Program web site (pested.unl.edu).

For the meetings underlined above, registration must be made through the following:

- Ag Expo & Custom Applicator School: Nebraska Agri-Business Assn. (402) 476-1528 (www.na-ba.com)
- NATA Convention: (402) 475-6282 (gonata.net)

Additional "walk-in" testing opportunities for 2015 will be posted at bit.ly/NDAPPdates.

Applicator Categories	
1 Ag Plant	8 Structural Health
1a Soil Fumigation	8W Wood Destroying Organism
2 Ag Animal	9 Public Health
3 Forest	10 Wood Preservation
4 Ornamental and Turf	11 Fumigation (grain)
5 Aquatic	12 Aerial
5S Sewer Root (<i>metam sodium</i>)	14 Wildlife Damage Control
6 Seed Treatment	REG Regulatory Subcategory
7 Right-of-Way	D/R Demonstration/Research Subcategory

2016 Recertification/Renewal Meetings

Commercial and Non-Commercial

(No NDA Exams Offered)

Date	Meeting	Categories	City	Location
Jan. 6	<u>Crop Production Clinic</u>	00, 01	Gering	Gering Civic Center
Jan. 7	<u>Crop Production Clinic</u>	00, 01	North Platte	Sandhills Convention Center
Jan. 8	<u>Crop Production Clinic</u>	00, 01	York	Holthus Convention Center
Jan. 12	<u>Crop Production Clinic</u>	00, 01	Beatrice	Beatrice Country Club
Jan. 12	<u>Nebraska Turf Conference</u>	00, 04	La Vista	La Vista Conference Center
Jan. 13	<u>Crop Production Clinic</u>	00, 01	Hastings	Adams County Fairground
Jan. 14	<u>Crop Production Clinic</u>	00, 01	Kearney	Younes Conference Center
Jan. 19	<u>Crop Production Clinic</u>	00, 01	Atkinson	Atkinson Community Center
Jan. 20	<u>Crop Production Clinic</u>	00, 01	Norfolk	Lifelong Learning Center, NECC
Jan. 21	<u>Crop Production Clinic</u>	00, 01	Mead	Saunders County Extension Office
Feb. 4	UNL Recertification	00, 04, 07, 09, 11	Beatrice	Gage County Extension Office
Feb. 4	UNL Recertification	00, 04, 07, 08, 08W	Fremont	Dodge County Extension Office
Feb. 4	UNL Recertification	00, 04, 07, 08, 08W, 10, 14	Grand Island	College Park
Feb. 4	UNL Recertification	00, 04, 07, 09	Holdrege	Phelps County Extension Office
Feb. 4	UNL Recertification	00, 04, 05, 07, 08, 08W, 11	Lincoln	Lancaster County Extension Office
Feb. 4	UNL Recertification	00, 04, 07, 08, 08W, 10, 11	Norfolk	Lifelong Learning Center, NECC
Feb. 4	UNL Recertification	00, 04, 05, 07, 11, 14	North Platte	UNL West Central Research Center
Feb. 4	UNL Recertification	00, 04, 07, 08, 08W, 09, 11	Omaha	Douglas/Sarpy County Extension
Feb. 4	UNL Recertification	00, 04, 07, 08, 08W, 09, 11	Scottsbluff	Panhandle Research Center
Feb. 9-10	<u>UPMC</u>	00, 08, 08W, 11	Lincoln	Cornhusker Hotel
Feb. 15-17	<u>NATA (pilots)</u>	00, 01, 12	Kearney	Ramada Inn
Feb. 23	UNL Recertification	00, 04, 07, 09, 11	Beatrice	Gage County Extension Office
Feb. 23	UNL Recertification	00, 04, 05, 07, 14	Columbus	Platte County Courthouse
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Mar. 22	UNL Recertification	00, 04, 05, 07, 14	Valentine	Cherry County Extension Office
Mar. 24	UNL Recertification	00, 04, 07, 09	Beatrice	Gage County Extension Office
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Mar. 31	UNL Recertification	00, 04, 05, 07, 09	O'Neill	Holt County Courthouse
Mar. 31	UNL Recertification	00, 04, 05, 07, 09, 11, 14	Scottsbluff	Panhandle Research Center

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- Crop Production Clinics (agronomy.unl.edu/cpc).
- Nebraska Turf Conference: (www.nebraskaturfgrass.com)
- Ag Expo: Nebraska Agri-Business Assn. (402) 476-1528 (www.na-ba.com)
- NATA (402) 475-6282 (gonata.net)
- Urban Pest Mgt Conference (402) 472-6857 (entomology.unl.edu)
- Custom Applicator School: Nebraska Agri-Business Assn. (402) 476-1528 (www.na-ba.com)

Recertification in the following categories will not be offered via training. See previous page for testing options, or see (bit.ly/NDAPPdates) for walk-in testing sites (coming soon).

Exams will need to be taken to recertify in:

- 01a (Soil Fumigation) • 03 (Forest) • 06 (Seed Treatment) • 02 (Ag Animal) • 05S (Sewer Root)

Please Post for Future Reference

Specialty crop grower numbers and sites increase almost weekly.

DriftWatch Update

NDA and FieldWatch personnel are working to make the information in DriftWatch as accurate and current as possible for applicators. Old, outdated, and inaccurate locations are being deleted, while new sites are being reviewed by NDA and added frequently. Nebraska has added approximately 137 growers and 186 sites to the map since this time last year.

Take advantage of the following applicator features found in DriftWatch:

- Becoming a registered applicator in DriftWatch is free! Currently, there are approximately 190 applicators registered with FieldWatch to receive DriftWatch notifications when new information is added to the map in their user-defined business area. This lets you know within 24 hours, and allows you to look at the map and update your records.
- Beekeepers now can choose whether or not their beehives appear on the public DriftWatch map, or are visible only to registered applicators. This will make registering on DriftWatch as an applicator especially important (did we mention this was free of charge?). Logging in to DriftWatch will allow you to see those sites that are hidden to a public map viewer.
- DriftWatch now features pesticide sensitive crop information in 12 states and one Canadian province: Colorado, Delaware, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, Wisconsin, and Saskatchewan. In addition, a number of states have their own sensitive crop registration system (see below for web links). This may be advantageous to applicators working in more than one state or working along a state boundary.
- A registered applicator that is also a voluntary member of FieldWatch can now select specific counties from multiple states for notices when new information is added to the map. Membership also allows access to real-time map data feeds. This might be advantageous to a large business with multiple spray rigs, or anyone having mapping capability at their fingertips. See www.fieldwatch.com for more info on this feature.
- Each specialty crop site has hyperlink for providing feedback to NDA. For example, a crop may have been mapped incorrectly or is no longer found where it once was. NDA will follow-up with the grower to determine any corrective action.



Receive email notifications when new specialty sites are added in your area.

As the manager, or 'data steward,' for Nebraska DriftWatch, NDA has developed its policy for specialty and sensitive crop eligibility. The second page of the flyer found at bit.ly/NDADWinfo lists the crop eligibility criteria, while the first page helps both growers and applicators understand what DriftWatch is and how it works. NDA is promoting DriftWatch to both applicator and grower groups to make it as beneficial as possible for all involved. Access the DriftWatch map and sign-up as an applicator by going to www.fieldwatch.com.

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Seventy-two of Nebraska's 93 counties contain a commercial specialty crop registered in DriftWatch. A summary of the sites, crops and acres in Nebraska DriftWatch is as follows:

Crop Type	Number of		Number of Growers
	Sites or Fields	Acres	
Beehives	148	*	79
Fish Farm	3	2	2
Fruits	55	293	48
Grapes	147	1,028	127
Greenhouse - High Tunnel	25	68	24
Non-specialty Certified Organic	241	40,727	56
Non-specialty Transition to Certified Organic	20	1,379	11
Nursery Crops	23	250	22
Orchard	45	459	37
Other**	51	3,970	25
Vegetables	113	1,422	81
Grand Total	871	49,672	***

*Beehives are reported as sites, only.

**Other includes crops which don't fit other crop categories.

*** The total number of growers is 475. The total of this column is greater because many growers have multiple crops.

Revisions to the Worker Protection Standard

On November 2, 2015, the EPA published the final revised Worker Protection Standard (WPS) rule in the Federal Register. The revised WPS rule updates several aspects of the original rule written in 1992, and is intended to provide protection from pesticide exposure for agricultural workers and their families. Among of the changes are the following:

- creating a minimum age of 18 for handlers of pesticides;
- increasing the training requirements for workers and handlers;
- updating requirements for Restricted Entry Intervals (REI's);
- adding Personal Protective Equipment (PPE) requirements for handlers; and
- requiring certain setbacks from field crews under certain situations.

The final rule will be effective January 1, 2016. Compliance with most aspects of the new rule will be required by January 2, 2017, with the remaining parts requiring compliance by January 1, 2018. NDA will be providing additional information at certification meetings over the next two or three years, as well as at trade shows and during routine inspections. For more information on the new WPS rule and how to comply, including a complete listing of the changes, please go to the following website: bit.ly/epaWPSrule.

NDA reviews each specialty crop submission before it is added to the DriftWatch map, and applicators can submit feedback if something looks out of place.

Reminder: Federal Certification for Applying RUPs in Indian Country

Any person who applies restricted use pesticides in an area of Indian Country covered by the EPA plan will need a federal certificate from EPA, including Tribal members and employees, lease holders, landowners, and commercial applicators. In Nebraska, only the Santee Sioux Tribe of Nebraska has a written agreement with the State of Nebraska to accept state certification. See 1.usa.gov/SjJICG for more information, or contact Doug Jones (jones.doug@epa.gov, (913) 551-7592) if you have further questions.

Nebraska Department of Agriculture
Animal & Plant Health Protection
P.O. Box 94756
Lincoln, NE 68509-4756

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**Department of Agriculture
Noxious Weed Program
(402) 471-2351**

Mitch Coffin - Manager

Tammy Westbrook - Pesticide and
Noxious Weed Program Staff Assistant

David Boschult - (*northeast*)
(402) 416-4595

Paul Moyer - (*southeast*)
(402) 416-5587

Jeff Lampmann - (*west*)
(402) 416-5642

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publication.*

**Department of Agriculture
Pesticide/Fertilizer Program
(402) 471-2351**

Tim Creger - Manager

Donene Lewis - Pesticide/Fertilizer
Program Staff Assistant

Trevor Johnson - Certification/WPS Training

Buzz Vance - Pesticide and Fertilizer
Registration Specialist

Craig Romary – Environmental Programs

Herbert Bates - Case Review Officer

Inspectors:
Kevin Holdorf - (*Omaha metro region*)
(402) 234-2225

Rich Franchini - (*north central region*)
(402) 529-6808

Clayton Haman - (*southeast region*)
(402) 471-2351

Jeff Elsen - (*Panhandle region*)
(308) 254-7640

Eric Fuentes-Ruiz - (*southwest region*)
(308) 995-2158

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